

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

**KIMBERLY STARLING,**

**Plaintiff,**

**v.**

**NEWSMAX MEDIA, INC.,**

**Defendant.**

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**Civil Action No. 4:24-CV-00797-O**

**ORDER**

Before the Court are Defendant's Partial Motion to Dismiss Plaintiff's Complaint (ECF No. 16), filed October 10, 2024, and Plaintiff's Notice of Non-Opposition to Defendant's Motion (ECF No. 18), filed October 15, 2024. Defendant moves to dismiss Plaintiff's second cause of action, and Plaintiff agrees to withdraw that claim. The Court construes these filings as a Joint Motion to Dismiss, pursuant to Federal Rule of Civil Procedure 41(a)(2). Accordingly, Plaintiff's second cause of action shall be **DISMISSED without prejudice** to the refiling of same.

**SO ORDERED** on this **15th day of October, 2024.**

  
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Reed O'Connor  
UNITED STATES DISTRICT JUDGE